

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 UNITED STATES OF AMERICA,

4 vs.

Criminal No. 20-170

5 RAEKWON DAC BLANKENSHIP,

6 Defendant.

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9 Transcript of proceedings on November 4, 2021 United States
10 District Court, Pittsburgh, Pennsylvania, before Judge
11 Arthur J. Schwab.

12 APPEARANCES:

13 For the Government: Jonathan Lusty, Esq.

14 For the Defendant: Kelvin Morris, Esq.

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16 Court Reporter: Marsia L. Balobeck
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25 Proceedings recorded by mechanical stenography;
transcript produced by computer-aided transcription.

1 P R O C E E D I N G S

2 (Proceedings held over Zoom videoconferencing)

3 THE COURT: Good morning. This is the time and place
4 set for sentencing by Zoom videoconference in criminal number
5 20-00170.

6 For the government, who do we have on the
7 videoconference, please?

8 MR. LUSTY: May it please the court, Jonathan Lusty
9 on behalf of the government.

10 THE COURT: On behalf of the defendant, please?

11 MR. MORRIS: May it please the court, Kelvin Morris
12 on behalf of Raekwon Blankenship.

13 THE COURT: Welcome to both of you. These
14 proceedings are being transcribed by our court reporter the
15 same as if everyone is physically in the courtroom.

16 Mr. Morris, is there anyone on the Zoom call, the
17 videoconference, that you wish to introduce?

18 MR. MORRIS: Yes, Your Honor. I believe Tiffany
19 Adams is the mother of Raekwon Blankenship. She just logged
20 on.

21 THE COURT: Welcome, ma'am. Is there anybody else
22 with you, ma'am, Ms. Adams? Anybody else with you?

23 THE DEFENDANT: May I speak?

24 MR. MORRIS: Raekwon, are you able to identify the
25 other person with your mom?

1 THE DEFENDANT: Yes. That's the mother of my
2 children.

3 MR. MORRIS: Okay. What's her name?

4 THE DEFENDANT: Alexis Nolot.

5 THE COURT: I just want to make it clear to everybody
6 on the call that recording, whether audio, video or both,
7 photographing, broadcasting or otherwise electronically or
8 digitally capturing the content of any civil or criminal court
9 proceeding is strictly prohibited, in other words, illegal.

10 Further, I instruct all parties to mute themselves
11 when they're not speaking except for the defendant, he may --
12 you don't need to mute yourself, sir. Mr. Blankenship, you
13 may take your mask down since you're by yourself and move just
14 a little closer if you would for me, please, to the device so
15 I can see you a little better, please. Yes, thank you very
16 much.

17 Would you kindly raise your right hand to be sworn,
18 please.

19 (RAEKWON DAC BLANKENSHIP was duly sworn)

20 THE COURT: Do you understand that having been sworn,
21 your answers to my questions are subject to the penalties of
22 perjury or making a false declaration if you do not answer
23 truthfully?

24 THE DEFENDANT: Yes sir.

25 THE COURT: Court notes that due to the COVID-19

1 crisis and the miscellaneous orders entered by Chief Judge
2 Hornak at 20-MC-00466, that the court entered a scheduling
3 order on October 8, 2021, requiring the defendant to file a
4 motion seeking his sentence hearing to occur by video, if he
5 so chose. And in the absence of such a motion, the sentencing
6 hearing would be conducted in-person.

7 On October 22, 2021, counsel for the defendant, by
8 motion at document number 60, sought to conduct this hearing
9 by videoconference, and therefore affirmed that the defendant
10 had waived his right to be physically present at this
11 sentencing hearing in the interest of justice. The court
12 granted said motion by order of October 22, 2021.

13 Mr. Morris, is that an accurate summary of the
14 procedural history surrounding your client's request for a
15 videoconference sentencing hearing today?

16 MR. MORRIS: It is, Your Honor.

17 THE COURT: Mr. Blankenship, is it accurate that you
18 knowingly and voluntarily waive your right to be physically
19 present at this sentencing hearing today and that you ask this
20 court, by motion through your counsel, to conduct this hearing
21 by videoconference?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Is it still your intent to proceed by
24 videoconference today?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Do you understand that just because
2 you're appearing by videoconference, that this sentencing
3 proceeding is the same as if you were physically present in my
4 courtroom and that your right to be heard in open court
5 remains the same, and you'll be sentenced today just as if you
6 were physically present in my courtroom?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Upon due consideration of the written
9 motion filed by the defendant, through his counsel, on October
10 22, 2021, to which the government did not object, and the
11 questions to which defendant has been subjected here today,
12 the court finds the defendant has knowingly and voluntarily
13 waived his right to be physically present and has requested
14 this court to conduct his sentencing hearing by
15 videoconference today. Therefore, the Court finds that
16 justice so requires that the court conduct this sentencing
17 hearing today by videoconference. The Court will now proceed
18 with the merits of this sentencing, sir.

19 Mr. Blankenship, on June 15, 2021, you entered a plea
20 of guilty in my courtroom to a one-count -- to count one of a
21 one-count indictment at criminal number 20-00170, charging you
22 with obstruction of law enforcement during a civil disorder in
23 violation of Title 18 United States Code Sections 231(a)(3)
24 and 2. Correct, sir?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Following your guilty plea, I directed
2 the probation office to prepare a pre-sentence investigation
3 report, which I have reviewed, along with the addendum thereto
4 and the sentencing recommendation of the probation office.

5 Pursuant to the standing order of the Board of Judges
6 of this district, the court finds it's not appropriate to
7 disclose the recommendation of the probation office to the
8 parties nor to counsel; however, sir, in determining your
9 sentence, the court will not consider any matter that's not
10 been previously disclosed to you or your attorney.

11 The court notes it has received and reviewed the
12 government's sentencing memorandum, wherein the government
13 seeks a sentence of imprisonment within the applicable
14 guideline range to be followed by three years of supervised
15 release. The court has also reviewed and reviewed defendant's
16 sentencing memorandum, including three program certificates
17 attached to said memorandum. Additionally, I have received
18 yesterday an addendum thereto with another certificate or at
19 least statement of completion of a course by the defendant.

20 In defendant's sentencing memorandum, counsel seeks a
21 sentence of probation, which falls within the advisory
22 guideline sentencing range applicable to this defendant.

23 Mr. Blankenship, I did want to compliment you on the
24 programs that you have completed to date. Obviously, you
25 still have a journey to complete in light of your conduct and

1 your plea of guilty. But I didn't want to miss this
2 opportunity to congratulate you on your completion of the
3 certificates and your other work that you've done to improve
4 yourself to become a productive citizen. So thank you for
5 your efforts in that regard, sir.

6 THE DEFENDANT: Thank you, Your Honor.

7 THE COURT: Mr. Morris, I've reviewed the
8 pre-sentence investigation report, addendum thereto -- strike
9 that.

10 Mr. Morris, have you reviewed the pre-sentence
11 investigation report, addendum thereto and discussed them with
12 your client?

13 MR. MORRIS: Yes, Your Honor.

14 THE COURT: Are there any errors in the pre-sentence
15 investigation report or addendum that you not previously
16 called to the court's attention?

17 MR. MORRIS: No, Your Honor.

18 THE COURT: Mr. Blankenship, have you reviewed the
19 pre-sentence investigation report, addendum thereto and other
20 matters and discussed them with your attorney?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Mr. Morris, is there any legal cause why
23 sentence should not be pronounced?

24 MR. MORRIS: No, Your Honor.

25 THE COURT: Is there anything else you would like to

1 say or the defendant would like to say or anybody else would
2 like to speak on his behalf? Mr. Morris, you can control this
3 portion of the sentencing hearing, so people can speak as you
4 so direct.

5 MR. MORRIS: Okay. So, Your Honor, I've been
6 representing Raekwon now for over a year. I met him shortly
7 after he was charged in the state case. I initially
8 represented him there.

9 To see his growth and his development since I began
10 representation of him, it's been nothing less than phenomenal.
11 One thing I've struggled with in thinking about today's
12 sentencing is how to accurately reflect who he is as a person.
13 And how -- the challenge for me, Your Honor, is I have a
14 number of clients in front of Your Honor.

15 But Raekwon is just different, Your Honor. He is a
16 phenomenal young man. He is a pleasure to be around. He
17 found himself in a difficult predicament on this day. He
18 understands in hindsight -- and he's going to kind of talk to
19 Your Honor himself when he gets the moment -- about just how
20 he made some very poor decisions on that day.

21 He has been punished severely for those same
22 consequences in state court. He's been sentenced to a term of
23 state imprisonment there. I believe it's a two and a half to
24 five year sentence for the exact same conduct that brings us
25 to this instant case.

1 He has made really good use of his time. He's been
2 very involved in his programs. And I spoke to Mr. Sorels from
3 Pittsburgh Mercy recently and he was just gushing about
4 Raekwon. The letter he provided that I supplied in the
5 addendum, some of the words he uses are: Just excellent in
6 his program. And how Raekwon was open with his expressions.
7 And his feedback and everything was just top notch. I say
8 that Your Honor because I know sometimes -- well, I don't
9 know, but I can imagine, as a judge, you just want to know, is
10 this person getting it? Do they fully understand and
11 appreciate the actions that they took on a particular day?

12 And in my estimation, Raekwon has more than got it.
13 He's been incarcerated since this time. He's had a number of
14 time to think and reflect. He and I, we have discussed the
15 discovery. We went over it. We talked about legal issues and
16 so forth. And just his willingness and readiness to accept
17 responsibility for his actions, we're just asking that you
18 take that into consideration.

19 He's also been really pursuing his GED, Your Honor.
20 He's faced challenges while in jail because of COVID and so
21 forth in terms of allowing him to be able to fully pursue it
22 because of, I would imagine, numerous lockdowns and things
23 like that, that the jail has been unable to fully give him
24 those opportunities that he would have had if it were not for
25 COVID.

1 Nevertheless, he has studied, he has prepared. So
2 right now, as he sits there, he's just waiting for a date when
3 they'll call him down so he can take his test. But he is
4 prepared for it. And maybe when he gets the opportunity he
5 will speak a little bit about that as well.

6 On the video, again, his mother Tiffany Adams. I've
7 talked to her a number of times during his representation.
8 She is a very loving mother and very supportive, who Raekwon
9 has relied on during the pendency of these matters.

10 Ms. Adams, if there's something you would like to
11 tell the judge, this is your opportunity. You do not have to,
12 but it's up to you if you would like to.

13 THE COURT: You have to unmute, please.

14 MS. ADAMS: Hello, how are you? Yes, I'm Raekwon's
15 mother.

16 MR. MORRIS: Ms. Adams, just for the record, please
17 state your name and spell your last name.

18 MS. ADAMS: Tiffany Adams, A-D-A-M-S. You hear me?

19 MR. MORRIS: Yes. And Ms. Adams, can you stay
20 stationary, not move around for us, please. Okay.

21 MS ADAMS: Raekwon is my son. Raekwon Blankenship is
22 my son. Very good kid growing up, spoiled. I have five kids
23 altogether. So I was a single mother. It was hard raising
24 three boys and two girls. Raekwon was always the funny
25 person, always making everyone laugh. He has two daughters of

1 his own that miss him dearly. We all miss him. Haven't seen
2 him.

3 And his younger brother had got shot. And he's, you
4 know, paralyzed right now -- not paralyzed, but paraplegic.
5 He can't feel his legs. Right now, we need Raekwon. I know
6 you're not going to give him to us right now. But just
7 Raekwon is strong, hard working when he is home, making
8 everyone laugh. He's not a bad person at all. He did some
9 dumb stuff that day. Sometimes he don't think right. He was
10 always in Mercy Behavior when he was younger for, you know,
11 ADHD. Very hyper when he was a kid. Didn't have no dad.

12 He didn't mean to do what he did, and I know he's
13 sorry. I talk to him every day. He's always missing his
14 kids. He needs to come home. And I just want you to know he
15 is sorry. He hates it where he's at now and he knows better
16 to go back there. He definitely knows better.

17 Your Honor, please just let him speak and let you see
18 how good of a person he really is. If you knew him as a
19 person, you would know he likes to just work and take care of
20 home, be home. He's a home body. He never was in the
21 streets. You know what I mean? So for him -- that day he
22 went to go get shoes and they ended up going into the --
23 what's it? The riot. And then it got bad. And it was really
24 a bad decision. He should have just came straight home. And
25 he's -- I know he's sorry. I love you, Raekwon.

1 THE COURT: Thank you, ma'am.

2 MR. MORRIS: Thank you, Ms. Adams. I'm going to let
3 Raekwon speak now and I'll say something briefly after that.

4 THE COURT: I've got a couple of questions for you
5 just so I understand the interrelationship between the state
6 proceeding and this proceeding.

7 But Mr. Blankenship, you may speak, please.

8 THE DEFENDANT: Yes, Your Honor. I'd like to start
9 by saying I apologize for the actions that I partaken in on
10 that day. I now know that my actions made me more of a
11 nuisance, instead of a voice, during that protest. And that
12 the error of my ways weren't just -- they weren't justified.
13 And me being able to take the time during this incarceration
14 and being a part of my programs that I applied to, it helped
15 me have a better view on my actions. And that I'd like to say
16 that I apologize for what I've done. And that I'm waiting for
17 the day that I'm free so I can get back and be a productive
18 member of my society. So I'm just waiting to apply everything
19 that I've been learning from my programs to what I can do for
20 when I go home for my kids.

21 THE COURT: Are you satisfied with the service and
22 representation provided by your attorney?

23 THE DEFENDANT: Yes, sir. I mean yes, Your Honor.

24 THE COURT: Has he done everything you've asked him
25 to do?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Is there anything he's done you think he
3 should not have done?

4 THE DEFENDANT: No, Your Honor.

5 THE COURT: I thank you again for your statement. I
6 appreciate that it's -- you've now made a decision, hopefully
7 genuinely, to turn your life around and become productive.
8 But you've got to finish your state and whatever your federal
9 sentence is going to be. So that's a delay that's caused by
10 the consequences of your conduct. But I appreciate the
11 progress that you've made today. And I hope you'll find a
12 trade or some other work that will help you financially and to
13 be productive. So it sounds like you've figured it out and
14 you have a very good counsel that I'm sure has helped you
15 along the way. So I appreciate and thank you for your
16 statement. Mr. Morris, anything else you would like to say?

17 MR. MORRIS: Yes, Your Honor. Just for clarification
18 purposes, again the sentencing in state court, the charges
19 were different. Mr. Lusty and I, we had a number of
20 conversations regarding this case. I explained the
21 differences to Raekwon regarding the elements of the state
22 case versus the elements of the federal case. So it has been
23 discussed with the government as well as Raekwon.

24 So when I was saying that the sentence -- he's
25 already been sentenced there. I'm not suggesting that he's

1 being charged -- it's a unique case, Your Honor, in that it's
2 the same set of facts. So that's what I'm saying. But I just
3 want to be clear that Raekwon, it's been discussed with him.
4 He understands what the legal issues were. We chose not to
5 file any motions and pursue that avenue. He wanted to accept
6 responsibility and take this route.

7 THE COURT: How long is his state sentence, please?

8 MR. MORRIS: Your Honor, I was looking at UJS,
9 Unified Judicial System, for Pennsylvania state. I saw, it's,
10 I believe, it's two and a half to five years.

11 THE COURT: And how long has he been incarcerated in
12 state?

13 MR. MORRIS: He's been incarcerated since shortly
14 after this incident. Raekwon, what was the date that you went
15 in?

16 THE DEFENDANT: I went in June 23rd, so it's been
17 about 15 months, maybe 16.

18 THE COURT: All right. And Mr. Morris, what's your
19 understanding of -- will he complete the two and a half years
20 or more in Allegheny County Jail? Or once I pronounce a
21 sentence, he'll then go back into state custody and serve the
22 rest of his time in a federal -- in a state facility?

23 MR. MORRIS: Well, Your Honor, I haven't spoken to
24 anyone about this. But typically the sentence -- well, always
25 the sentence of two and a half to five years, that's a state

1 imprisonment sentence. So he will be sent to one of the state
2 correctional institutions, I imagine, once this case is
3 concluded and once the federal writ has been completed. But
4 he will not be at the Allegheny County Jail much longer.

5 THE COURT: And he will -- I mean all the time that
6 he has served to date has been state time. Correct?

7 MR. MORRIS: Your Honor, I believe I received a
8 message from Mr. Howard recently about the timing. I believe
9 Raekwon may have just a short period of time in federal
10 custody, but the majority of it is in state custody, correct.

11 THE COURT: Mr. Howard is the United States probation
12 officer, for the record.

13 MR. MORRIS: I guess, Your Honor, just in conclusion
14 for me, I just want to request a sentence of probation would
15 be implemented. It is within the advisory guidelines.
16 Considering he has been severely punished in state court, I
17 would just ask Your Honor to take that into consideration and
18 issue a sentence of probation.

19 THE COURT: Mr. Lusty, on behalf of the government?

20 MR. LUSTY: Your Honor, the government has nothing to
21 add. We filed a sentencing memorandum, asking for a guideline
22 sentence. We would defer to the court and just ask -- that's
23 our position.

24 THE COURT: Mr. Morris, back to you. What determines
25 whether he, in the state court system, serves the two and a

1 half or five years or somewhere up to the five years?

2 MR. MORRIS: So at the two and a half year point, at
3 his minimum, he will be eligible for parole.

4 THE COURT: And then he applies for that or state
5 court counsel applies for that?

6 MR. MORRIS: I believe it's automatic. They kind of
7 docket it -- not docket, but they mark their calendars within
8 the state system to make sure when that when minimum date is
9 approaching that the parole board hears the case and a
10 decision is made from there.

11 THE COURT: And all of his certificates and the
12 letter that was filed yesterday, does his state court attorney
13 have that information?

14 MR. MORRIS: Your Honor, I am not sure. I tried to
15 have contact a number of times with the state court counsel.
16 Communications are very poor. There was little to no response
17 with that.

18 THE COURT: Okay. Well, will you take what efforts
19 you need to take to get those documents into his state court
20 file somehow so that it's before the state parole board at the
21 appropriate time, which appears to be about 15 months from
22 today?

23 MR. MORRIS: Yes, Your Honor. I will do that.

24 THE COURT: Mr. Howard, do you have any suggestions
25 on how to make sure that happens or is that outside your

1 wheelhouse?

2 PROBATION OFFICER: Yeah, Your Honor. I'm not sure
3 how we can get that to the Pennsylvania Department of
4 Corrections. I'm not sure.

5 THE COURT: Mr. Morris, you'll figure out a way to do
6 that?

7 MR. MORRIS: Yes, Your Honor. I will.

8 THE COURT: The United States sentencing guidelines
9 are advisory only. The court has discretion to deviate or
10 vary from the guidelines after considering the factors set
11 forth in Title 18 United States Code Section 3553(a). The
12 court must also rule on any motions for departure or requests
13 for variance.

14 Mr. Morris, I presume your request for a probation
15 sentence is not a motion for departure or request for variance
16 since it is within the guidelines. Correct?

17 MR. MORRIS: That is correct, Your Honor.

18 THE COURT: Defendant's offense level is eight,
19 criminal history category I. Accordingly, the advisory
20 guideline range is zero to six months imprisonment, one to
21 five years probation, supervised release of one to three
22 years, a fine of \$2,000 to \$20,000 and a special assessment of
23 \$100.

24 On behalf of the government, did I accurately state
25 the offense level, criminal history category and the advisory

1 guideline range?

2 MR. LUSTY: Yes, Your Honor.

3 THE COURT: Mr. Morris, you agree?

4 MR. MORRIS: Yes, Your Honor.

5 THE COURT: Sir, your sentence is as follows:

6 Pursuant to the Sentencing Reform Act of 1984, it is the
7 judgment of this court that the defendant is sentenced to time
8 served to be released forthwith, followed by three years of
9 supervised release with the first six months to be served in a
10 residential reentry center.

11 And on behalf of the probation office, did I
12 accurately state the correct words necessary to achieve what
13 my goal is?

14 PROBATION OFFICER: Yes, Your Honor.

15 THE COURT: While on supervised release, defendant
16 shall not commit another federal, state or local crime, shall
17 comply with the standard conditions that have been adopted by
18 this court and the following additional conditions:

19 One, defendant shall reside for a period of six
20 months in the residential reentry center to commence as soon
21 as arrangements can be made and finalized by the probation
22 office and shall observe the rules of said facility.

23 Two, defendant shall not illegally possess a
24 controlled substance. Supervised release must be revoked for
25 possession of a controlled substance.

1 Three, defendant shall not possess a firearm,
2 ammunition, destructive device or other dangerous weapon.
3 Supervised release must be revoked for possession of a
4 firearm, ammunition, destructive device or other dangerous
5 weapon.

6 Four, defendant shall participate in a program of
7 testing, and if necessary, treatment for substance abuse, said
8 program approved by the probation officer until such time
9 defendant is released from the program by the probation
10 officer and/or the court. Further, the defendant shall be
11 required to contribute to the cost of services for any such
12 treatment in an amount to be determined by the probation
13 officer, but not to exceed actual costs. Defendant shall
14 submit to one drug urinalysis within 15 days after of being
15 placed on supervision, and at least two periodic tests
16 thereafter.

17 Five, defendant shall not purchase, possess and/or
18 use any substance or device designed to alter in any way or
19 substitute defendant's urine specimen for drug testing. In
20 addition, defendant shall not purchase, possess and/or use any
21 device designed to be used for the submission of a third
22 party's urine specimen.

23 Six, defendant shall not use or possess alcohol.

24 Seven, defendant shall participate in a mental health
25 assessment and/or treatment program approved by the probation

1 officer until such time as defendant is released from the
2 program by the probation officer and/or the court. Defendant
3 shall be required to contribute to the cost of the services
4 for any such treatment in an amount to be determined by the
5 probation officer. These costs shall not exceed the actual
6 costs of the service. The probation office is authorized to
7 release defendant's pre-sentence investigation report to the
8 treatment provider or providers, if so requested.

9 Eight, defendant shall participate in a program or
10 course of study aimed at improving his educational level or
11 employment skills, for example obtaining a GED, participating
12 or completing a vocational training program or participating
13 in a literacy program as approved by the probation officer.

14 Nine, defendant shall cooperate in the collection of
15 DNA as directed by the probation officer. In addition, within
16 72 hours of his release from state custody, he should report
17 in person to the United States probation office in the Western
18 District of Pennsylvania to be placed on supervision.

19 And I would ask the probation office, whoever is
20 assigned to him, upon his release from state custody, that
21 they work with the defendant and Mr. Morris to find him,
22 during that six-month period, some sort of training, maybe in
23 a vocation such as carpentry or something along that line.
24 Obviously, if he wants some other program, that's fine, or
25 college that's also fine. But obviously there's a desperate

1 need for people who are trained with those kinds of skills.
2 My dad was a carpenter, sir. It was a good and productive job
3 for him. So that's why I have sort of a passion for
4 vocational job training. But I, in no way, wish to limit
5 whatever you believe is best for you to become a more
6 productive citizen.

7 Nine, I can't remember whether I read this or not,
8 but defendant shall cooperate in the collection of DNA as
9 directed by the probation officer. Court also imposes a
10 mandatory special assessment of \$100 constituting a \$100
11 special assessment at each count, to which the defendant has
12 pled guilty, which shall be paid to the Clerk of Court
13 forthwith. Based upon the financial information contained in
14 the pre-sentence investigation report, the court finds that
15 the defendant does not have the ability to pay a fine and
16 therefore waives imposition of any fine.

17 Sir, the reason for your sentence is as follows: The
18 court considers time served and three years supervised
19 release, with the first six months to be served at a
20 residential reentry center, to be sufficient, but no greater
21 than necessary, to comply with the goals of sentencing as set
22 forth in Title 18 United States Code Section 3553(a)(2), which
23 are to reflect the seriousness of this offense, to promote
24 respect for the law and to provide for just punishment for
25 this offense, to afford adequate deterrence to criminal

1 conduct, protect the public from further crimes by this
2 defendant, and to provide the defendant with needed
3 educational or vocational training, medical care or other
4 correctional treatment in a most effective manner.

5 The court has considered all the sentencing factors
6 as set forth in Title 18 United States Code Section 3553(a),
7 including those presented by the government and defense, and
8 as set forth in the pre-sentence investigation report and
9 addendum thereto.

10 Furthermore, the court has considered the following:
11 First, the circumstances and nature of this offense.
12 Defendant has pled guilty to obstruction of law enforcement
13 during a civil disorder in violation of Title 18 United States
14 Code Section 231(a) (3) and Section 2 for his engaging in
15 serious criminal conduct that is further addressed in the
16 pre-sentence investigation report. The court incorporates by
17 reference Paragraphs 10 through 15 of the pre-sentence
18 investigation report as part of the basis upon which this
19 court bases its sentence.

20 By the way of summary only: On May 30, 2020 during a
21 civil disorder in Downtown Pittsburgh, defendant poked a
22 police horse multiple times with a replica of a stop sign as
23 five mounted police officers were attempting to leave the area
24 where projectiles were being thrown at the officers.
25 Defendant then approached an occupied police van and threw the

1 same sign into the front windshield of said van. Defendant
2 also kicked and struck two police vehicles as they drove away
3 from the area. Finally, the defendant assisted a group of
4 individuals in the destruction of an unmarked police vehicle
5 by jumping on the hood and roof of the vehicle.

6 Secondly, the court has considered defendant's
7 criminal, family and social history and personal
8 characteristics as further outlined in the pre-sentence
9 investigation report, at Paragraphs 29 through 54, which the
10 court incorporates by reference as part of the basis for this
11 sentence.

12 Defendant is approximately 25 years old, single, has
13 two children. This not the defendant's first criminal
14 offense. He has a prior criminal conviction for an offense
15 involving a firearm, for which defendant was sentenced to one
16 year probation.

17 Defendant also has a sentence that we heard today was
18 approximately two and a half to five -- two and a half years
19 to five years of imprisonment in state custody as a result of
20 the conduct on May 30, 2020.

21 Defendant has a history alcohol abuse and mental
22 health concerns. That's why the court ordered conditions
23 relating to mental health treatment and substance abuse
24 testing and treatment, if necessary, and the prohibition
25 against the use of alcohol.

1 Defendant has an 11th grade education. He is working
2 on his GED, according to what counsel has said. And the court
3 has provided for his getting a GED and other training as part
4 of this federal court sentence.

5 Third, the court has considered the kinds of
6 sentences available for this offense. And the sentencing
7 guideline range under the advisory guidelines and applicable
8 policy statements adopted by the sentencing commission. The
9 court also considered the need to avoid unwarranted sentencing
10 disparities among defendants who have been found guilty of
11 similar conduct.

12 The court was unwilling to give the defendant a
13 straight sentence of probation, because to do so would create
14 sentencing disparities with other defendants who have similar
15 records and have found guilty of similar conduct, including
16 those I've already sentenced to date.

17 On behalf of the government, does my statement of
18 reasons adequately address all objections, concerns and issues
19 raised?

20 MR. LUSTY: Yes, Your Honor.

21 THE COURT: Are there any other sentencing factors
22 under Section 3553(a) that the court has failed to address?

23 MR. LUSTY: No, Your Honor.

24 THE COURT: Mr. Morris, on behalf of the defendant,
25 does my statement of reasons adequately address all

1 objections, concerns and issues raised?

2 MR. MORRIS: Yes, Your Honor.

3 THE COURT: Are there any other sentencing factors
4 under Section 3553(a) that the court has failed to address?

5 MR. MORRIS: No, Your Honor.

6 THE COURT: Mr. Morris, have you had an opportunity
7 to talk to the defendant about his right to appeal?

8 MR. MORRIS: Yes, Your Honor.

9 THE COURT: Mr. Blankenship, except as otherwise
10 waived in your plea agreement you have the right to appeal
11 from the orders of this court, judgment of guilty and/or from
12 the sentence imposed. You have a right to have a lawyer
13 represent you on appeal at no cost to you. If you cannot
14 afford them, certified copies of the necessary transcripts
15 will be furnished at the expense of the United States
16 government. If you appeal, the notice of appeal must be filed
17 within 14 days of today, otherwise you will lose your right to
18 appeal. If you request, the Clerk of Court will immediately
19 prepare and file a notice of appeal on your behalf.

20 Do you wish to appeal, sir?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: Do you understand if you change your
23 mind, decide to appeal, any notice of appeal must be filed
24 within 14 days of today, otherwise you will lose your right to
25 appeal? Understand?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: And if you change your mind, decide to
3 appeal, you'll use your current counsel to file such a notice,
4 correct?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Mr. Howard, on behalf of the probation
7 office, is there any language I need about remanding his
8 custody either to the marshals or transfer to the Bureau of
9 Prisons, or do I just let it play out since he's in state
10 court jurisdiction? And once he serves his state court
11 sentence, within 72 hours, he needs to report to the United
12 States Probation Office in the Western District of
13 Pennsylvania.

14 PROBATION OFFICER: Your Honor, I don't think you
15 need to add any additional language other than what was
16 already stated in the imposition of sentence.

17 THE COURT: Mr. Morris, anything else you would like
18 to put on the record?

19 MR. MORRIS: Nothing further, Your Honor. Thank you.

20 THE COURT: Mr. Lusty?

21 MR. LUSTY: No, Your Honor. Thank you.

22 THE COURT: Okay. What we're going to do in light of
23 the sentence and the difficulty of trying to communicate with
24 Mr. Blankenship, since he's in custody, I'm going to ask my
25 deputy clerk to keep the call up for ten minutes. And

1 Mr. Blankenship, Mr. Morris and Ms. Adams will stay on the
2 call. And the rest of us are going to be dropped off the
3 call. And the call will just stop at a time. So you've got
4 to use your time wisely. What time is it, Linda?

5 THE DEPUTY CLERK: It's 10:14.

6 THE COURT: So you've got ten minutes. Because I
7 have another matter to do Zoom at 10:30. Ms. Adams, thank you
8 for your statement on behalf of your son. He's fortunate to
9 have someone staying close to him and encouraging him.

10 Mr. Blankenship, I wish you the best. I appreciate
11 the statement that you made, and just encourage you to find a
12 trade or some other education that makes you productive so you
13 can take care of your family. And as I said, follow your
14 mother's advice. A wise man always follows his mother's
15 advise. Understand?

16 THE DEFENDANT: Thank you.

17 THE COURT: I adjourn this hearing.

18 C E R T I F I C A T E

19 I, MARSIA L. BALOBECK, certify that the foregoing
20 is a correct transcript from the record of proceedings in the
21 above-entitled case.

22 \s\ Marsia L. Balobek
23 MARSIA L. BALOBECK
24 Official Court Reporter
25

10/27/2022
Date of Certification